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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,584	11/09/1999	MICHAEL HOWARD	MS1-379US	8187

22801 7590 08/05/2003

LEE & HAYES PLLC  
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SPOKANE, WA 99201

EXAMINER
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HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/437,584

Applicant(s)

HOWARD ET AL.

Examiner

Matthew Heneghan

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-31 have been examined.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "server operating system 22", "Internet Information Server 24", "platform 26", and "application(s) 30" on page 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The use of the trademarks MICROSOFT® INTERNET EXPLORER and NETSCAPE® NAVIGATOR have been noted in this application. They should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18-21 and 26-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 18-21, the claimed Web server screening tool that matches patterns is a computer program per se and non-functional.

As per claims 26-31, the claimed collection of screening patterns is a data structure and non-functional.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-11 and 13-30 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,884,033 to Duvall et al.

As per claims 1, 2, 6, and 18, *Duvall* defines a plurality of unwanted input strings to be filtered (see column 3, line 64 to column 4, line 11), a search pattern that permits variability, can search a portion of the string, and has wildcard characters (see column 6, lines 28-42), receives an input string on a web server (see column 8, lines 18-27), evaluates the strings, and takes remedial action if necessary, including denying the request (see column 6, line 60 to column 7, line 13).

As per claims 3 and 19, the patterns described in *Duvall* (see column 6, lines 35-42) constitute a regular expression.

As per claims 4 and 20, *Duvall* discloses that the input string may be a URL (see column 5, lines 66-67).

As per claims 5 and 21, *Duvall* discloses that the input string may be an HTTP verb request, such as a GET request (see column 6, lines 19-25).

As per claims 7-10, 13-16, 26, 27, 29, and 30, *Duvall* discloses that the search patterns may be stored in RAM (see column 4, lines 45-49).

As per claim 11, *Duvall* discloses that the product may be patched onto an application that is already running (see column 9, line 14 to column 11, line 20).

As per claims 17 and 22-25, the program is stored in a public directory (on a disk) before being installed (see column 10, lines 64-66).

As per claim 28, the list of patterns may be edited (see column 8, lines 1-9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,884,033 to Duvall et al. in view of Oliver et al., "Building a Windows NT 4 Internet Server", 1996, p. 203.

The system disclosed in *Duvall* may be implemented on a server and that it uses an API (see column 10, lines 59-63), but *Duvall* does not specifically disclose that it uses ISAPI.

*Oliver* states that ISAPI (which stands for Internet Server API), which is an API native to the Microsoft® Internet Information Server, allows programmers to create server applications that take advantage of the web server and is tightly linked to the operating system.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a reliable and well-supported API such as the Microsoft® ISAPI, as disclosed in *Oliver*, when implementing the system disclosed by *Duvall* on a Windows NT server.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

EagleNT 5.0, by Raptor Systems, Inc. (now owned by Symantec Corporation), released in 1997, and was a widely-used NT-based firewall that may have contained some or all of the features claimed in this application.

U.S. Patent No. 5,884,033 to Duvall et al. discloses a filtering system for checking incoming and outgoing messages to and from a server.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM Eastern Time. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**Or faxed to:**

(703) 746-7239 (for formal communications intended for entry)

**Or:**

(703) 746-7240 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MEH

July 29, 2003



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100